

REMARKS

The Office Action dated June 25, 2008 has been received and considered. Claims 1-3, 5-25, 27-47, 49-69, 71-88 and 93-97 are pending. Claims 1-88 and 93-96 are rejected. Claims 1, 5, 6, 23, 27, 28, 45, 49, 50, 67, 71, 72, and 93-96 have been amended; claims 4, 26, 48, and 70 have been cancelled; and claim 97 has been added. No new matter is added. Entry of the amendments to the claims and the specification is respectfully requested. Reconsideration of the current rejections in the present application is also respectfully requested based on the following remarks.¹

I. Rejections of Claims 1-3, 7-17, 19-25, 29-35, 37-39, 41-47, 51-57, 59-61, 63-39, 73-79, 81-83, 85-89, and 93-96 Under 35 U.S.C. § 102(e)

On pages 3-6 of the Office Action, claims 1-3, 7-17, 19-25, 29-35, 37-39, 41-47, 51-57, 59-61, 63-39, 73-79, 81-83, 85-89, and 93-96 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 7,287,008 to Mahoney *et al.* ("Mahoney"). This rejection is respectfully traversed.

In order to maintain an anticipatory rejection under 35 U.S.C. § 102, a reference must teach each and every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (A claim is anticipated only if each and every

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.).

Regarding independent claim 1, Mahoney does not disclose “assigning one or more of privileges and roles to each of the one or more participants” as recited by the claimed invention. The Office Action on page 3 alleges that Figures 11 and 12 of Mahoney disclose this element. Applicants respectfully disagree. Figure 11 depicts “an example of a deal analysis screen.” Col. 11, line 16. Figure 12 depicts “an example suite of loan application screens.” Col. 11, lines 36-37. Neither Figure depicts *assigning privileges and roles* to each of the participants. Indeed, these Figures merely disclose information screens regarding the deal and loan. The terms *privileges and roles* are not found on these Figures. Therefore, Mahoney fails to anticipate this element of the claimed invention.

Independent claims 23, 45, 67,, and 93-96 also recite this element. Therefore, Mahoney fails to anticipate these claims also.

Further, claims 2, 3, 7-17, 19-22, 24-25, 29-35, 37-39, 41-44, 51-57, 59-61, 63-66, 69, 73-79, 81-83, 85-88 are dependent upon one of independent claims 1, 23, 45, and 67. Therefore, since claims 1, 23, 45, and 67 are allowable over Mahoney as discussed above, claims 2, 3, 7-17, 19-22, 24-25, 29-35, 37-39, 41-44, 51-57, 59-61, 63-66, 69, 73-79, 81-83, 85-88 are allowable by virtue of their dependency upon one of independent claims 1, 23, 45, and 67.

Despite Applicant disagreeing with the above rejections of the independent claims, Applicant has amended independent claims 1, 23, 45, 67, and 93-96 to further distinguish and clarify the claimed inventions over the cited art. Independent claims 1, 23, 45, 67, and 93-96 have been amended to recite the element of “submitting one or more draw requests.” Applicant submits that Mahoney fails to disclose this element; indeed, the Examiner does not assert as

much. Support for this amendment can be found in the specification at least on page 21, lines 3-9.

Therefore, based on the above arguments, Applicant submits that claims 1-3, 7-17, 19-25, 29-35, 37-39, 41-47, 51-57, 59-61, 63-39, 73-79, 81-83, 85-89, and 93-96 are in a condition for allowance and requests the withdrawal of the anticipation rejection of the same.

II. Rejections of Claims 4-6, 14, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 under 35 U.S.C. § 103(a)

On pages 6-9 of the Office Action, claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahoney. Applicant respectfully traverses this rejection.

It is respectfully submitted that the aforementioned obviousness rejection of claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 has become moot in view of the deficiencies of the primary reference (i.e., Mahoney) as discussed above with respect to independent claims 1, 23, 45, and 67. That is, claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 are dependent upon independent claims 1, 23, 45, and 67 and thus inherently incorporate all of the limitations of independent claims 1, 23, 45, and 67. Also, the secondary reference (i.e., Official Notice) fails to disclose, or even suggest, the deficiencies of the primary reference as discussed above with respect to independent claims 1, 23, 45, and 67. Thus, the combination of the secondary reference with the primary reference also fails to disclose, or even suggest, the deficiencies of the primary reference as discussed above with respect to independent claims 1, 23, 45, and 67. Accordingly, claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 are allowable over the combination of the secondary reference with the primary reference at least by

virtue of their dependency on independent claims 1, 23, 45, and 67. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references. Further, claims 4, 26, 48, and 70 have been cancelled, rendering the rejection thereof moot.

Additionally, Applicant respectfully traverses the reliance on Official Notice. Applicant asserts that the Examiner's reliance on Official Notice is not common knowledge or well known in the art. For example, Applicants submit that it is not common knowledge that "within a method and system as taught by Mahoney for loan organization and underwriting, it would be obvious to include an option to facilitate draw requests" as alleged by the Examiner for claim 4. The Examiner makes similar arguments for claims 5 and 6, and for the remaining claims reciting the same elements.

First, Applicant notes that Mahoney relates generally to loan *origination* not *organization*. See, e.g., Mahoney, col. 1, lines 7-8. As such, the use of draw requests would not be obvious. Draw requests are typically not part of the origination and underwriting process, but occur after the loan is in place and is being administered. Indeed, the incorporation of such a modification to Mahoney would require potentially extensive changes to the invention as disclosed by Mahoney and would render Mahoney unsatisfactory for its intended purpose, in violation of basic obviousness principles. Therefore, in accordance with MPEP §2144.03(C), the Examiner is requested to provide documentary evidence supporting the allegation of Official Notice in this Office Action.

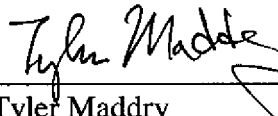
CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Amendment. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

Date: SEPT. 9, 2008


Tyler Maddry
Registration No. 40,074

Hunton & Williams LLP
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109
Phone: (202) 955-1500
Fax: (202) 778-2201